

**RECEIVED
CENTRAL FAX CENTER****SEP 05 2006****REMARKS**

The Applicant does not believe that examination of the response contained herein will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the response contained herein be entered and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated July 14, 2006 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. The Final Office Action dated July 14, 2006 rejects Claims 1-20.

The Office Action rejects of Claims 1-16 under the provisions of 35 U.S.C. §102(b) as being anticipated by "Integrated Data-casting Solutions for Digital TV (6/1999)" published by Motorola Inc. (hereinafter referred to as Motorola), or in the alternative, under the provisions of 35 U.S.C. §103(a) as being as being obvious in view of U.S. Patent Publication 2005/0111823 in the name of Durcau (hereinafter referred to as Durcau).

The rejection contends that Motorola discloses a storage medium for storing selected portions of transmitted data cast streams as defined by the rejected claims. The Applicant, respectfully, disagrees. The rejected claims define a local broadcast facility that: receives data in the form of datacast transmitted by a television broadcast system; determines datacast blocks that are to be associated with data storage apparatus using subscriber-specific parameters; and stores the datacast blocks in the storage medium in accordance with a first content parameter. The first content parameter is defined on page 7, lines 7-9 of the specification to the present invention as a multicast group identifier associated with the data storage apparatus. This subject matter for storing data in a storage medium in accordance with content parameter such as a multicast group identifier associated with the data storage apparatus is not disclosed or suggested by Motorola.

The rejected claims further define subject matter for transmitting the first data cast in accordance with the first content parameter. The rejected claims defines that the content parameter that associates the storage device with the data casts that are stored there is the same content parameter that is used to transmit the data casts that are stored in the storage device. This subject matter for transmitting data in a storage medium in

accordance with content parameter such as a multicast group identifier associated with the data storage apparatus is not disclosed or suggested by Motorola.

The present invention defines content that is filtered at the local broadcast facility. Motorola discloses multicasting that can be tailored, but the tailoring of content occurs at a specific targeted PC that is not at the local broadcast as defined by the rejected claims.

The teachings of Dureau relates to networking of smart toys. The filtering of data using "user profile" within Dureau referred to in the rejection does not read using the same content data to store data into a storage device and then transmitting according to the same content data. The Applicant, respectfully, points out that all the elements must be found within the cited prior art. The rejection refers to Dureau using cursory statements that the subject matter defined by the rejected claims would have been obvious. Such cursory statements do not establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. MPEP § 2142. The rejection does not meet, or even address, any of the foregoing requirements. Therefore, a *prima facie* case of obviousness has not been made, and this rejection is traversed.

The Office Action rejects of Claims 17-20 under the provisions of 35 U.S.C. §102(b) as being anticipated by Motorola, or in the alternative as being obvious under the provisions of 35 U.S.C. §103(a) as being unpatentable in view of the known prior art. The rejection states that Motorola discloses the limitations associated with a TV broadcasting system capable of transmitting data-cast streams to a plurality of storage apparatuses. The Applicant, respectfully, disagrees. There is no disclosure or suggestion

within the cited references for a transmission controller capable of causing a first of said plurality of transmission queues to be transmitted in a broadcast transmission receivable by all of said plurality of data storage apparatuses and further capable of causing a second of said plurality of transmission queues to be transmitted in a multicast transmission. Moreover, the transmission queues that are to be transmitted in a broadcast transmission are received from another broadcast transmission.

The Examiner has taken official notice that providing queues or placeholders for data casting, or an order of transmission, operating as such as a FIFO or other type of ordering device is well known. The Applicant respectfully asserts that the official notice taken by the Examiner is in error. It is not well known to provide the order of transmission for data received via another television broadcast as defined by the rejected claims. In the taking of official notice, the Examiner applied the usage of queues or placeholders for data casting, or an order of transmission, the Examiner states that U.S. Patent No. 5,898,687 in the name of Harriman et al. shows queues for multicasting and uni-casting that are priority based. The Examiner's position is that Harriman et al. disclose priority based queues in multicasting and uni-casting renders obvious all uses of queues within a system that performs multicasting and uni-casting. The Applicant, respectfully, asserts that Harriman et al. teach storing a single copy of each multicast data and to replicate only an address pointer for that memory location for each destination of the multicast connection (see col. 4, lines 56-61). There is no disclosure or suggestion within Harriman et al. for a transmission controller capable of causing a first of the transmission queues to be transmitted in a broadcast transmission receivable by all and further capable of causing a second transmission of queues to be transmitted in a multicast transmission, wherein selected portions of web page data in the second transmission queue are receivable by only selected subgroups of the plurality of data storage apparatuses. Harriman et al. teach only to transmit a replicate of an address pointer for that memory location for each destination of the multicast connection. The Applicant, respectfully, asserts that none of the references cited for implementing queues disclose or suggest the implementation of queues as defined by the rejected claims. Therefore, there remain features within the rejected claims that are not found within the cited references. The Applicant does not concur with the Examiner's reasoning that any

disclosure of the use of queues for multicast transmission renders all uses obvious.

The Applicant respectfully points out that Motorola on page 6 discusses that content can be cached on a server where it can be branded and scheduled for broadcast. There is no disclosure, or suggestion, within Motorola for the provision of multiple caches as recited by the rejected claim. Accordingly, this rejection is respectfully, traversed.

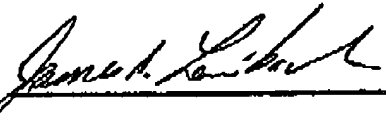
**RECEIVED
CENTRAL FAX CENTER****SEP 05 2006**

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

The Commissioner is hereby authorized to charge any fees associated with the filing of this response to Account No. 50-3745, including extension fees but excluding issue fees, and to credit the same account with any overpayments.

Respectfully submitted,

By 

**James D. Leimbach, Reg. 34,374
Patent Attorney (585) 381-9983**

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted on this date via facsimile transmission to (571) 273-8300 AND addressed to:
Mail Stop: Amendment
COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Transmission: September 5, 2006

(Signature) 
By: James D. Leimbach